

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

THOMAS WALLS,

Petitioner,

Case Number: 2:06-CV-14203

v.

HON. ARTHUR J. TARNOW

KENNETH ROMANOWSKI,

Respondent.

**OPINION AND ORDER GRANTING PETITIONER'S MOTION TO REOPEN CASE,
DIRECTING SERVICE, AND REQUIRING RESPONSIVE PLEADING**

Petitioner Thomas Walls, a state inmate incarcerated at the Gus Harrison Correctional Facility in Adrian, Michigan, filed a *pro se* habeas corpus petition pursuant to 28 U.S.C. § 2254. The Court determined that the petition contained an unexhausted claim and stayed further proceedings so that Petitioner could pursue exhaustion in state court. The Court directed that the petition would be stayed provided that Petitioner: (i) presented his claims in state court within sixty days of the Court's Order staying the petition; and (ii) asked the Court to lift the stay within sixty days of exhausting his state court remedies. Now before the Court is Petitioner's Motion to Reopen.

In his Motion to Reopen, Petitioner states that he has now exhausted his state court remedies by completing collateral review in state court. On September 2, 2008, he filed a motion for relief from judgment in the trial court, which was denied. *People v. Walls*, No. 02-184922 (Oakland County Circuit Court Nov. 14, 2008). He filed an application for leave to appeal in the Michigan Court of Appeals, which was denied. *People v. Walls*, No. 290108 (Mich. Ct. App. Apr. 15, 2009). Petitioner then filed an application for leave to appeal in the

Michigan Supreme Court, which was denied on November 23, 2009. *People v. Walls*, No. 138924 (Mich. Nov. 23, 2009). Petitioner then filed the pending Motion to Reopen.

Petitioner filed his motion for relief from judgment in the trial court within the sixty days prescribed in the Court's Order and also returned to this Court within sixty days of exhausting his state court remedies. The Court, therefore, will grant the Motion to Reopen.

For the forgoing reasons, **IT IS ORDERED** that Petitioner's Motion to Reopen is **GRANTED** and the Clerk of Court is directed to **REOPEN** this matter.

IT IS FURTHER ORDERED that the Clerk of the Court serve a copy of the amended petition, Motion to Reopen, and a copy of this Order on Respondent and on the Attorney General for the State of Michigan as provided in Rule 4, Rules Governing Section 2254 Cases.

IT IS FURTHER ORDERED that Respondent file an answer responding to the allegations of the petition in accordance with Rule 5, Rules Governing Section 2254 Cases, by **March 20, 2010**.

S/Arthur J. Tarnow
Arthur J. Tarnow
United States District Judge

Dated: January 20, 2010

I hereby certify that a copy of the foregoing document was served upon counsel of record on January 20, 2010, by electronic and/or ordinary mail.

S/Catherine A. Pickles
Judicial Secretary